

### REMARKS

By this paper, claims 1, 2, 4 and 20 have been amended, and no new claims have been added. Upon entry of the foregoing amendment, claims 1-20, 22-32, 35-38 and 40-44 will remain pending in this application. In view of the amendments to the claims and the following remarks, Applicants respectfully request reconsideration and allowance.

In the Office Action, the Examiner allowed claims 32, 35-37, 40-43 and 45-62, objected to claims 10 and 21-31, and rejected claims 1-9, 11-20 and 44.

The Examiner rejected claims 1-4 and 20 under Section 102(b) as being anticipated by *Stevens* (U.S. Patent 5,022,377). Newly amended claims 1 and 20 each recite an exercise machine comprising "a support frame having **a support base configured to provide stability to the exercise machine in order to provide a stable exercise environment.**" By contrast, *Stevens* does not disclose such a support base. Thus, claims 1 and 20 are not anticipated by *Stevens*. Because claim 1 is not anticipated by *Stevens*, neither are claims 2-4, which depend from claim 1.

The Examiner rejected claims 1, 5-9, and 11-19, 38 and 44 under Section 102(b) as being anticipated by U.S. Patent No. 6,082,346 to *Andrews*. As set forth above, newly amended claim 1 recites an exercise machine comprising "a support frame having **a support base configured to provide stability to the exercise machine in order to provide a stable exercise environment.**" By contrast, *Andrews* does not disclose such a support base. Thus, claim 1 is not anticipated by *Andrews*. Because claim 1 is not anticipated by *Andrews* (or *Stevens* for that matter), neither are claims 5-9, which depend from claim 1.

The Examiner also rejected claims 11-19 under Section 102(b) as being anticipated by *Andrews*. In the office action, the Examiner states that "[w]ith respect to claim 11, Applicant

does not require a direct connection between the intermediate portion and the support frame.” April 18, 2006, Office Action, at 3. This statement implies that the Examiner is interpreting the limbs 14 and 16 as individual, separate resilient rods. Consequently, *Andrews* does not anticipate Claim 11 because claim 11 also requires that “movement of the at least one cable causes movement of the first end, the second end, and the intermediate portion of the at least one resilient elongate member.” If each one of the limbs 14 and 16 are as the Examiner interprets, separate, then both the first and second ends of each of the limbs 14 and 16 do not move from movement of the at least one cable. See, e.g., *Andrews*, Fig. 1. On the other hand, if the Examiner chooses a different interpretation, e.g., the one in which the “*Andrews* device forms a single resilient entity.” (See, e.g., April 18, 2006, Office Action, at 3), then *Andrews* arguably may satisfy this latter limitation, but does not satisfy the former limitation. That is, under this alternative interpretation, there is no “support frame” and “the intermediate portion is not linked to the support frame,” as recited in claim 11. Thus, under either interpretation, claim 11 is not anticipated by *Andrews*. Because claim 11 is not anticipated by *Andrews*, neither are claims 11-19, which depend from claim 11.

The Examiner also rejected claim 38 under Section 102(b) as being anticipated by *Andrews*. Claim 38 requires “at least one resilient elongate rod supported by the support frame, the at least one resilient elongate rod being movable relative to the support frame such that **no portion of the at least one resilient elongate rod is fixed in relation to the support frame.**” Clearly, claim 38 requires a support frame. Thus, as set forth above with reference to the rejection of claim 11, the second, alternative interpretation of *Andrews* will not work to anticipate claim 38. Further, the Examiner’s other interpretation of *Andrews* treats limbs 14 and 16 as separate resilient rods. Thus, *Andrews* does not anticipate claim 38 because each of the

limbs 14 and 16 of *Andrews* **are fixed** to the support frame (or riser 12 of *Andrews*), contrary to the explicit language of claim 38. *See, e.g., Andrews*, Fig. 1.

The Examiner also rejected claim 44 under Section 102(b) as being anticipated by *Andrews*. As with claims 1 and 20, newly amended claim 44 requires "a support frame having a **support base configured to provide stability to the exercise machine in order to provide a stable exercise environment.**" By contrast, *Andrews* does not have such a base. Thus, claim 44 is not anticipated by *Andrews*.

The Examiner objected to claims 10 and 21-31 as being dependent upon a rejected base claim. In view of the foregoing amendments and remarks made above with respect to independent claims 1 and 20, Applicants respectfully submit that dependent claims 10 and 21-31, which depend therefrom, respectively, are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants submit that the application is now in condition for allowance. Prompt favorable action is, therefore, requested. In the event that the Examiner finds remaining impediment to an allowance of this application that may be clarified through a telephonic interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18<sup>th</sup> day of September, 2006.

Respectfully submitted,



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